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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JAMES HALSEY	)	Case No. 08-CV-01335 JSW
	)	
	)	<b>JOINT STIPULATION AND</b>
Plaintiff,	)	<b><del>PROPOSED</del> ORDER RE</b>
	)	<b>CONTINUANCE OF PRETRIAL FILING</b>
v.	)	<b>DEADLINES AND FINAL PRETRIAL</b>
	)	<b>CONFERENCE, AND TRIAL DATE</b>
JP MORGAN CHASE BANK, N. A., AND	)	
DOES ONE THROUGH FIFTY,	)	Final Pretrial Conf. Date: December 7, 2009
	)	Time: 2:00 p.m.
Defendant.	)	

- 1           1.       Plaintiff's lead trial counsel, Scott Bonagofsky, has been sworn onto a civil jury  
2               for an asbestos trial in San Francisco Superior Court, Department 606, the  
3               Honorable Tomar Mason presiding, beginning on November 23, 2009, at 1:30  
4               p.m.;
- 5           2.       The asbestos trial is estimated to last until December 18, 2009, and possibly until  
6               December 21, 2009. The courtroom is dark on December 10 and 11, 2009, and in  
7               the afternoon of December 14, 2009.
- 8           3.       Plaintiff's counsel's jury service, the jury selection process of which began on  
9               Monday, November 16, 2009, has interfered with the parties' ability to complete  
10              all of the pretrial filings that were due on November 23, 2009. Plaintiff's  
11              counsel's jury service will also make it impossible for him to attend the Final  
12              Pretrial Conference, which is currently scheduled for December 7, 2009, at 2:00  
13              p.m. in this Court.
- 14          4.       The parties jointly request a continuance of the Final Pretrial Conference and  
15              associated filing deadlines until any available, suitable date and time after  
16              December 21, 2009, when the asbestos trial is scheduled to end.
- 17          5.       The parties also request a brief continuance of the January 11, 2010 trial date to  
18              facilitate the scheduling of the pretrial filings and Final Pretrial Conference, and  
19              to allow the parties to participate in a follow-up mediation session in early  
20              January 2010. The parties believe that the likelihood of settlement is greater now  
21              that the parties have obtained this Court's rulings on the parties' motions for  
22              summary judgment and partial summary judgment.
- 23          6.       The parties had scheduled a follow-up mediation session for December 2, 2009,  
24              with mediator Eileen Barker, but had to cancel that date due to Plaintiff's lead  
25              trial counsel's jury service. Ms. Barker is unavailable until after December 21,  
26              2009, and has limited availability in December 2009 after that date. The parties  
27              jointly request that the Court continue the January 11, 2010 trial date to early

February 2010 to allow them to conduct the follow-up mediation session in early January 2010.

7. Plaintiff's lead trial counsel has an eight-day JAMS arbitration scheduled for March 1, 2010, and that case is not expected to settle prior to the arbitration. There is a chance that the March 1, 2010 arbitration date will be continued for a brief period of a few weeks to accommodate Plaintiff's lead trial counsel's schedule, but that will not be known until at least December 3, 2009, when the arbitrator, Hon. Nat Agliano, is scheduled to hear a conference call regarding the request for a continuance of the arbitration date. Plaintiff's counsel respectfully requests that the trial in this case not be scheduled later than February 8, 2010.

8. It is so stipulated and agreed by the parties.

Dated: November 23, 2009

GUTIERREZ & ASSOCIATES

/s/Robert Belshaw

Robert Belshaw

Attorneys for Defendant

THE DOLAN LAW FIRM

Dated: November 23, 2009

/s/ Shawn R. Miller

Shawn R. Miller

Attorneys for Plaintiff

SCOTT BONAGOFSKY, ATTORNEY AT LAW

Dated: November 23, 2009

/s/ Scott Bonagofsky

Scott Bonagofsky


Attorneys for Plaintiff

**PROPOSED ORDER**

Pursuant to the parties' Stipulation, IT IS ORDERED THAT:

1. The Final Pretrial Conference is continued to February 1 \_\_\_\_, 2010 at 2:00 p.m.;
2. The parties' pretrial filings shall be due in accordance with the Court's Standing Orders, based on the above Final Pretrial Conference date.
3. [The trial date in this matter is continued to February 22 \_\_\_\_, 2010, at 8:00 a.m.]

DATED: November 30, 2009

  
\_\_\_\_\_  
JUDGE OF THE UNITED STATES DISTRICT  
COURT, NORTHERN DISTRICT OF  
CALIFORNIA